

REMARKS/ARGUMENTS

Claim 1 has been amended to better define over the prior art of record, and to provide antecedent basis for language in claims 8 and 10, thereby obviating objections.

Claim 1 and 6-9 stand rejected under 35 USC §102 as anticipated by GB 268,571. To the extent that this rejection would be applied to claims as presently amended, it is traversed for the reasons following.

GB '571 discloses an adjustable pipe clip "of the kind comprising a band adapted to encircle the pipe and to have its ends drawn together by means of a tangentially arranged bolt" (page 1, lines 9-12). The sleeve parts must necessarily be circumferentially open in order to have the "ends" which are drawn together in order to make the clip adjustable. If the sleeve parts were circumferentially closed, as recited in claim 1 as presently amended, the device disclosed by GB '512 would no longer function as an adjustable clip. Thus, not only does GB '512 fail as an anticipation, it cannot be used in any combination to render claim 1 obvious, because modifying the device of GB '512 to have closed sleeves would render it inoperable for its intended purpose.

Newly added claims 13-15 further limit the opening of claim 6 in order to better define over the opening 8 of GB '512.

Claim 11 stands rejected as obvious over GB '512. To the extent that this rejection would be applied to claim 11 as presently amended, it is transversed for the reasons following.

As pointed out above, GB '512 relates strictly to sleeves which are circumferentially open. Modifying the sleeves to have a circumferentially closed inside wall would render the device inoperable as an adjustable clip and is therefore not a permissible design choice.


The independent claims as presently amended being clearly patentable over the art of record, it is not deemed necessary to address the rejections of the dependent claims.

Withdrawal of the rejection and early allowance are solicited. If any objections remain, a call to the undersigned is requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
F. Brice Faller
Reg. No. 29,532
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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